BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

ROY T. FLANNERY	\
Claimant VS.)))) Docket No. 170 441
TRANS AREA, INC. Respondent	Docket No. 170,441
AND	
INSURANCE COMPANY OF NORTH AMERICA Insurance Carrier	}

<u>ORDER</u>

Respondent appeals from an Order for an independent medical examination entered pursuant to K.S.A. 44-510e(a).

ISSUES

Respondent argues that the Order for an independent medical examination should be reversed. Respondent has denied the Kansas Workers Compensation Act apples to this claim and no evidence has been presented to establish that the Kansas Act applies.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments of the parties, the Appeals Board finds that the issue raised on appeal is not one subject to review on appeal prior to a final award. The appeal should be dismissed.

The claimant filed an Application for Hearing and Claim for Compensation in Kansas on October 27, 1992. No preliminary or other hearing has been held. When the parties were unable to agree on the extent of claimant's functional impairment, the Administrative Law Judge ordered an independent medical examination as he is required to do by the provisions of K.S.A. 44-510e(a). The appeal, therefore, is not from a preliminary hearing order. The appeal also is not one from a final award. It is an appeal from an interlocutory order not subject to review except as part of the final award. The appeal at this point is, therefore, premature and the review should be dismissed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Robert H. Foerschler dated November 21, 1995 remains in effect as originally entered. The appeal filed from that Order is dismissed.

IT IS SO ORDERED.
Dated this day of January 1996.
BOARD MEMBER
BOARD MEMBER
BOARD MEMBER
Victor B. Finkelstein, Kansas City, MO

c: Victor B. Finkelstein, Kansas City, MO
Michael W. Downing, Kansas City, MO
Robert H. Foerschler, Administrative Law Judge
Philip S. Harness, Director